IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1203 OF 2007

Aessen Pvt. Ltd. ...Petitioner.

vs.

M/s.Kalpataru Properties (Thane) Pvt.Ltd. & another. ...Respondents.

Mr.A. Abhyankar with A.A.Joshi i/b. L.J.Law & Dipesh Sanghavi, for Appellant.

Mr.Narin Parekh i/b. Sanjeev H.Ahooja, for Respondent no.1.

Ms.Swati Dahiwalkar, for Respondent no.2.

CORAM: D.K.DESHMUKH &

DATED: 9th July,2007.

P.C.:-

Heard the learned Counsel appearing for both the sides. On an application made by the

plaintiff, a party has been permitted to be joined as defendant by the trial Court. Plaintiff is a dominant litigant, it is he who has to decide against whom he has to file the proceedings. Even if a party cannot be termed as a necessary party, the plaintiff can join even proper party as defendant to the suit. In this view of the matter therefore, the order of the Trial Court cannot be faulted. The petition is rejected.

(D.K.DESHMUKH, J.)